

Your Ref: Reconfiguring a Lot – Boundary Realignment (Two Lots into Two Lots) and Access Easements
Our Ref: PC:AG RC21\0003

28 April 2021

Mr Geoff Hansen
Hansen Surveys Pty Ltd
27 Palm Terrace
INGHAM QLD 4850

gehansen@iprimus.com.au

Dear Mr Hansen

Decision Notice

Reconfiguring a Lot – Boundary Realignment (Two Lots into Two Lots) and Access Easements
Hawkins Creek Road Hawkins Creek – Lot 5 on RP734742 and Lot 102 on SP255356
Planning Act 2016

Receipt of your application deemed to be properly made on Wednesday 3 March 2021 seeking a Development Permit for Reconfiguring a Lot – Boundary Realignment (Two Lots into Two Lots) at Hawkins Creek Road Hawkins Creek, is acknowledged and its contents noted.


Please be advised your application was assessed by relevant staff and considered by Council at its General Meeting held on Tuesday 27 April 2021.

Council resolved to approve the proposed application, subject to reasonable and relevant conditions which accord generally with the application as made. Council's Decision Notice is attached for your perusal.

This Notice outlines aspects of the development's condition of approval, currency period, approved plans, referral agency response and includes extracts from the *Planning Act 2016* with respect to making representations about conditions, negotiated decisions, suspension of the appeal period and lodging an appeal, should you wish to do so.

Should you require any further information or clarification concerning this matter, please contact Council's Built Environment Support Officer, Aimee Godfrey on 4776 4658 for the necessary assistance.

Yours sincerely



Kelvin Tytherleigh
Chief Executive Officer

Encl - Decision Notice



25 Lannercost Street
INGHAM QLD 4850



ABN

PO Box 366 INGHAM QLD 4850
46 291 971 168



4776 4600



4776 3233



council@hinchinbrook.qld.gov.au



HinchinbrookShireCouncil

28 April 2021

SECTION 83 OF PLANNING ACT 2016

APPLICATION DETAILS

This Decision Notice relates to the below Development Application:

Application Number	RC21\0003
Property ID Number	107348
Applicant Details	Geoff Hansen Hansen Surveys Pty Ltd 27 Palm Terrace INGHAM QLD 4850
Owner Details	Frank and John Russo PO Box 374 INGHAM QLD 4850
Property Description	Hawkins Creek Road Hawkins Creek Lot 5 on RP734742 and Lot 102 on SP255356
Proposal	Reconfiguring a Lot: Boundary Realignment (Two Lots into Two Lots) and Access Easements
Level of Assessment	Code Assessment

DECISION

The information below outlines the specifics of any approval or refusal issued by the Assessment Manager resulting from development assessment as per the provisions of the *Planning Act 2016*:

Decision	The application was approved subject to conditions.
Decision Date	27 April 2021
Decision Type	Development Permit
Assessment Instrument	<i>Hinchinbrook Shire Planning Scheme 2017</i>
Deemed Approval	The Development Permit is not a deemed approval under Section 64 of the <i>Planning Act 2016</i> .
Submissions	Not Applicable

CONDITIONS OF APPROVAL

The conditions of this approval are set out in the Schedule of Conditions. The conditions are identified to indicate whether the Assessment Manager or Referral Agency (if any) imposed them.

REFERRAL AGENCIES

Not Applicable.

FURTHER APPROVALS REQUIRED

This approval does not authorise any filling of land or building work and a Development Permit for carrying out the above mentioned may require additional assessment.

This approval does not authorise any works within Council's Road Reserve (e.g. new/additional access, repair/modification to existing access or works to footpaths). If this is required as part of your development proposal, an application will need to be lodged with Council or other relevant authority.

INFRASTRUCTURE CHARGES

Not Applicable.

Infrastructure charges do not apply for this development proposal given it does not result in the creation of any additional allotments and only relates to the rearrangement of the boundary between two existing allotments.

RIGHTS OF APPEAL

The rights of an applicant to appeal to the Planning and Environment Court against a decision about a Development Application are set out in Chapter 6, Part 1 of the *Planning Act 2016*. There may also be a right to make an application for a declaration by a tribunal (see Chapter 6, Part 2 of the *Planning Act 2016*).

An applicant for a Development Application may appeal to the Planning and Environment Court against the following:

- The refusal of all or part of the Development Application;
- A provision of the Development Approval;
- The decision to give a preliminary approval when a Development Permit was applied for; and
- A deemed refusal of the Development Application.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the *Planning Act 2016*.

APPROVAL CURRENCY PERIOD

Pursuant to Section 85 of the *Planning Act 2016*, the Development Approval will lapse four years after the approval starts to have effect, unless otherwise conditioned.

APPROVED PLANS AND SPECIFICATIONS

The development must be carried out in accordance with the approved plans, specifications and/or drawings, along with the requirements of all relevant laws. Any deviation must have prior approval from the Chief Executive Officer.

Copies of the approved plans, specifications and/or drawings are attached.

NOTICE ABOUT DECISION – STATEMENT OF REASONS

This Notice is prepared in accordance with section 63(5) and section 83(7) of the *Planning Act 2016* to inform the public about a decision that has been made in relation to a Development Application.

The purpose of this Notice is to enable a public understanding of the reasons for the planning decision, specifically having regard to:

- The relevant part of the Planning Scheme and Assessment Benchmarks against which the application was assessed; and
- Any other information documents or other material Council was either required to, or able to, consider in its assessment.

All terms used in this Notice have the meaning given to them in the *Planning Act 2016*.

The proposed development is considered to be consistent with the relevant overall outcomes and assessment benchmarks of the *Hinchinbrook Shire Planning Scheme 2017*, in particular:

- The application has been approved as it is considered to meet, or have the ability to meet the requirements of the relevant aspects of the *Hinchinbrook Shire Planning Scheme 2017*; and
- Conditions of Approval have been included to ensure that compliance with the *Hinchinbrook Shire Planning Scheme 2017*.

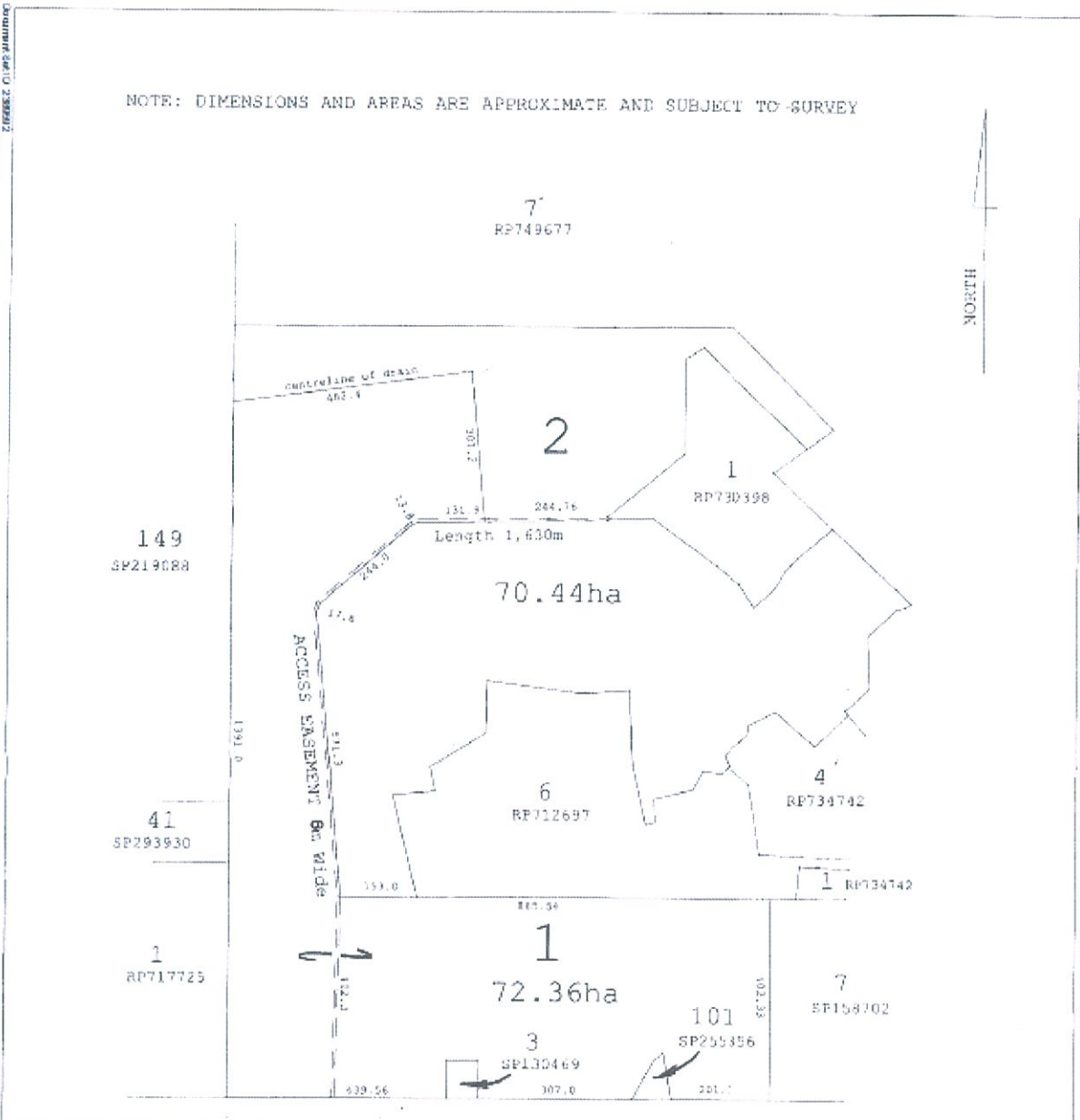
Should you require any further information or clarification concerning this matter, please contact Council's Built Environment Support Officer, Aimee Godfrey on 4776 4658 for the necessary assistance.

CONDITION	TIMING						
<p>1. Administration</p> <p>The applicant is responsible to carry out the approved development and comply with relevant requirements in accordance with:</p> <p>1.1 The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within relevant technical reports;</p> <p>1.2 The development must, unless stated otherwise, be designed, constructed and maintained in accordance with relevant Council policies, guidelines and standards; and</p> <p>1.3 The Conditions of Approval, the requirements of Council's Planning Scheme and best practice engineering.</p>	At all times.						
<p>2. Approved Plans</p> <p>2.1 The development and use of the site is to be generally in accordance with the following plans that are to be the Approved Plans of Development, except as altered by any other Condition of Approval; and</p> <table><tr><th>Plan / Document Name</th><th>Number</th><th>Date</th></tr><tr><td>Proposed Boundary Realignment Lot 5 on RP734742 and Lot 102 on SP255356</td><td>201257</td><td>February 2021</td></tr></table> <p>2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plan and documents, the Conditions of Approval prevail.</p>	Plan / Document Name	Number	Date	Proposed Boundary Realignment Lot 5 on RP734742 and Lot 102 on SP255356	201257	February 2021	At all times.
Plan / Document Name	Number	Date					
Proposed Boundary Realignment Lot 5 on RP734742 and Lot 102 on SP255356	201257	February 2021					
<p>3. Access Easements</p> <p>3.1 New Access Easements must be registered in accordance with approved plan 201257 dated February 2021 to facilitate legal access to proposed Lot 2 and existing Lot 1 on RP730398;</p> <p>3.2 The new Access Easements must be maintained to ensure the purpose of the easement is achieved at all times; and</p> <p>3.3 Existing Easement A on RP720402 and Easement A on RP730398 must be surrendered following or at the time of the creation of the new Access Easements required as per Condition 3.1 of this Decision Notice.</p>	Prior to Council's endorsement of the survey plan.						
<p>4. Existing Services</p> <p>Written confirmation of the location of any existing services for the land must be provided by either the applicant or licensed surveyor. In any instance where existing services to be contained within the respective lot or within a reciprocal services easement.</p>	Prior to Council's endorsement of the survey plan.						
<p>5. Damage to Infrastructure</p> <p>In the event that any part of Council's Infrastructure is damaged as a result of work associated with the development or operation of the Access Easement, Council must be notified immediately of the affected infrastructure and have it repaired or replaced by Council, at no cost to Council.</p>	At all times.						

CONDITION	TIMING
<p>6. Relocation of Utilities Any relocation and/or alteration to any public utility installation required as a result of any works carried out in connection with this development must be carried out at no cost to Council.</p>	<p>Prior to Council's endorsement of the survey plan.</p>

Drawing Scale 1:2500
Version 1: Version Data Deleted

NOTE: DIMENSIONS AND AREAS ARE APPROXIMATE AND SUBJECT TO SURVEY



APPROVED PLAN

This plan has been assessed and approved (subject to conditions) by Hinchinbrook Shire Council.

RC21\0003
27 April 2021

0 200 400 600 800 1000m
SCALE

HANSEN SURVEYS
27 PALM TERRACE
INGHAM, QLD 4850
TEL: 04 2916 4683
EMAIL: gchansen@primus.com.au

PROPOSED BOUNDARY REALIGNMENT
LOT5 on RP734742 & LOT102 on SP255356
HAWKINS CREEK ROAD, HAWKINS CREEK

LOCAL AUTHORITY: HINCHINBROOK SHIRE COUNCIL

SCALE 1:7500 at A3
DATE: FEBRUARY 2021
MERIDIAN: SP255356

REF: 201257